FILE

# FEDERAL COMMUNICATIONS COMMISSION Washington; D. C. 20554 MAR 3 1 2004

OFFICE OF MANAGING DIRECTOR

Jack W. Fritz II
President
Results Radio, LLC
1355 N. Dutton Ave., Suite 225
Santa Rosa, CA 95401

Re: Results Radio, LLC, Station KCEZ(FM), Los Molinos, CA Request for Partial Refund of FY 2003 Regulatory Fee Fee Control No. 0309248835396008

Dear Mr. Fritz:

This is in response to your letter dated September 19, 2003 submitted on behalf of Results Radio, LLC (Results Radio), licensee of Station KCEZ(FM), Los Molinos, California, requesting a partial refund in the amount of \$900.00 of the \$1,850.00 fiscal year (FY) 2003 regulatory fee. Our records reflect that Results Radio paid the regulatory fee.

You assert that Station KCEZ should be charged the FY 2003 regulatory fee for an operating, licensed FM station (i.e., \$950.00) as opposed to the regulatory fee for an outstanding FM construction permit (i.e., \$1,850.00) because the station has been providing service as "a fully operational FM radio station" to the community of Los Molinos since July 11, 1998. You state that the Commission granted KCEZ a permit to construct a new FM station on Channel 269A in May 1997 and, in September 1997, issued a modified permit to operate on Channel 271B1 "with conditions relating to channel shifts of other stations." You state that in April 1998, after completing

In subsequent correspondence, you explain that "KCEZ applied for an upgrade to Channel 271B1 based on the order issued in MM Docket 96-103" and pursuant to the Commission's policy allowing "FM stations to make the most effective use of the spectrum by authorizing stations to apply for channels that are being vacated by other stations." You state that "KCEZ's authorization for Channel 271B1 at Los Molinos could only be implemented if FM station KHJQ, Susanville, vacated Channel 271C2, which it had been ordered to do in MM Docket 96-103. KHJQ was ordered to shift from Channel 271C2 to Channel 222C2 to accommodate the request of another party to provide new service on 271C3 in Smith, Nevada." See generally Amendment of Section 73.202(B), Table of Allotments, FM Broadcast Stations (Smith and Reno, Nevada, Susanville and Truckee, California), MM Docket No. 96-103, Report and Order, 12 FCC Rcd 10218 (Chief, Allocations Branch 1997). You state that the condition on KCEZ's construction permit provides that program tests for the station on Channel 271 may not commence until programs tests for KHJQ commence on Channel 222, and that a license will not be granted for KCEZ on Channel 271 until a license is granted for KHJQ on

construction of the station, KCEZ filed a license application for the 271B1 facility. You state that because "the other stations had not yet completed their channels shifts..., the staff requested that KCEZ file a second interim construction permit and license application for Channel 271A, and granted KCEZ interim authority to operate pursuant to the 271A interim license application, while continuing to hold the 271B1 facility license application in pending status." You state that "[f]ollowing the last remaining channel shift, in May 2003[,] KCEZ notified the FCC that it was operating pursuant to the 271B1 license application." You maintain that because "KCEZ has been a fully operational FM radio station for the past five years, Results Radio... should not be required to pay the higher \$1,800 fee for an entity holding an FM construction permit but should... be charged the lower \$950 fee for a Class A, B1 or C3 FM station that serves a population of 25,001 – 75,000." On February 18, 2004, you stated that KCEZ's license application remained pending.

The Commission may waive, reduce, or defer regulatory fees only upon a showing of good cause and a finding that the public interest will be served thereby. Our records reflect that construction for station KCEZ has been completed. Our records also reflect that KCEZ holds a construction permit and has operated pursuant to program test authority while its license application remains pending. Under the circumstances of this case (including the fact that KCEZ has been operating pursuant to interim authority since July 11, 1998, while its license application remained pending and subject to the completion of conditions beyond its control), we find that the requested relief will serve the public interest. Accordingly, your request for reduction of FY 2003 regulatory fees is granted. You should note that KCEZ is under a continuing obligation to report to the Commission any changes in its operations that could affect its qualification for a regulatory fee reduction, including the grant of its license application for the station. You should retain this letter and submit a copy of it with any future correspondence with the Commission concerning the regulatory fee for KCEZ.

Channel 222. You state that "the condition on the KCEZ Channel 271B1 construction permit has been met and the license application . . . is ripe for grant."

We note that in a letter dated May 30, 2003, Results Radio notified the Commission that KCEZ had "begun program tests with the Ch. 271B1 facilities[.]" See Letter from Ronald E. Castro, Chief Technical Officer, Results Radio Licensee, LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (dated May 30, 2003).

<sup>&</sup>lt;sup>3</sup> See 47 U.S.C. §159(d); 47 C.F.R. §1.1166; see also Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year, Report and Order, 9 FCC Rcd 5333, 5344 (1994), on recon., Memorandum Opinion and Order, 10 FCC Rcd 12,759, para. 12 (1995) (regulatory fees may be waived, deferred, or reduced on a case-by-case basis in extraordinary and compelling circumstances upon a clear showing that a waiver would override the public interest in reimbursing the Commission for its regulatory costs).

A check made payable to the maker of the original check, and drawn in the amount of \$900.00, will be sent to you at the earliest practicable time. If you have any questions concerning this letter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,

Mark A. Reger Chief Financial Officer

### 0309248835396008

Results Radio, LLC 1355 N. Dutton Avenue, Suite 225 Santa Rosa, CA 95401

Telephone: (707) 546-9185 Facsimile: (707) 546-9188

E-Mail: jfritz@fritzcommunications.com

September 19, 2003

SEP 2 3 2003

Federal Communication Commission Bureau / Office

Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Attn: Revenue & Receivable Operation Group

Results Radio, LLC (FRN 0003763273)
KCEZ, Los Molinos, CA (Facility ID 55437)
Request for Partial Refund of Payment for FY 2003 Regulatory Fee

Dear Mr. Fishel:

This letter requests a partial refund in the amount of \$900 of the \$1,850 FY 2003 Annual Regulatory Fee paid by Results Radio, LLC ("Results Radio"), for FM station KCEZ, Los Molinos, California. (An annotated copy of the Fee Filer Payment Report, Remittance Advice and check are attached.) The refund amount represents the difference between the higher \$1,850 fee (PTC 0316) for an outstanding FM construction permit and the lower \$950 fee (PTC 0342) for an operating, licensed FM station. As set forth below, because KCEZ has been providing service to the small community of Los Molinos for the past five years pursuant to a pending license application, Results Radio respectfully submits that the \$900 refund is fully justified.

The FCC granted KCEZ a permit to construct a new FM station on Channel 269A in May 1997, and in September 1997, issued a modified permit to operate on Channel 271B1 (the "271B1 facility"), with conditions relating to channel shifts of other stations. In April 1998, having completed construction, KCEZ filed a license application for the 271B1 facility. Since the other stations had not yet completed their channels shifts, however, the staff requested that KCEZ file a second interim construction permit and license application for Channel 271A, and granted KCEZ interim authority to operate pursuant to the 271A interim license application, while continuing to hold the 271B1 facility license application in pending status. Following the last remaining channel shift, in May 2003 KCEZ notified the FCC that it was operating pursuant to the 271B1 facility license application.

Andrew S. Fishel September 19, 2003 Page Two

As KCEZ has been a fully operational FM radio station for the past five years, Results Radio respectfully submits that it should not be required to pay the higher \$1,850 fee for an entity holding an FM construction permit but should in fairness be charged the lower \$950 fee for a Class A, B1 or C3 FM station that serves a population of 25,001-75,000. Accordingly, we respectfully request a refund of the \$900 difference between the two fees.

Jack W Fritz President

**Attachments** 



Payer: Results Radio, LLC (Log Out)

Fee Filer Home | Help

### **Payment Report**

Batch # 1 (Results Radio, LLC)

🕮 Print

Created: 09/06/2003 04:30:14

Call Sign	Payment Type Code	Quantity	Amount
KLRS	0343	1	\$1,300.00
KKCY	0341	1	\$475.00
KTHU	0348	1	\$1,100.00
KMJE	0341	1	\$475.00
KRQR	0348	1	\$1,100.00
KHRD	0349	1	\$2,025.00
KCEZ	0316	1	\$1,850.00
KKXS	0341	1	\$475.00
KPH968	0369	1	\$10.00
KPL410	0369	1	\$10.00
WLE558	0369	1	\$10.00
WLL512	0369	1	\$10.00
WLP858	0369	1	\$10.00
WLP866	0369	1	\$10.00
WMG253	0369	1	\$10.00
WPNE331	0369	1	\$10.00
WPNK627	0369	1	\$10.00
WPNM819	0369	1	\$10.00
WPOM353	0369	1	\$10.00
WPSE304	0369	1	\$10.00
WPSS478	0369	1	\$10.00
WTS620	0369	1	\$10.00
Total:		22	\$8,940.00
Licensee :	Results Radio of Sonoma, L.I	P. (FRN: 0001735547)	
Call Sign	Payment Type Code	Quantity	Amount

KRPQ	0344	1	\$2,025.00
KMHX	0342	1	\$950.00
KC25363	0369	1	\$10.00
KPM704	0369	1	\$10.00
WLF477	0369	1	\$10.00
WPMW368	0369	1	\$10.00
WPMW374	0369	1	\$10.00
WPNI772	0369	1	\$10.00
WPOL477	0369	1	\$10.00
WPOL478	0369	1	\$10.00
KPRQ- FM1	0368	1	\$365.00
Total:		11	\$3,420.00
Licensee : R	esults Radio of Redding, L	LC (FRN: 0006178453)	
Call Sign	Payment Type Code	Quantity	Amount
KNCQ	0350	1	\$2,650.00
KEWB	0349	1	\$2,025.00
KESR	0343	1	\$1,300.00
K227AE	0368	1	\$365.00
KC25365	0369	1	\$10.00
KPI287	0369	1	\$10.00
WHQ427	0369	1	\$10.00
WLG918	0369	1	\$10.00
WPMX811	0369	1	\$10.00
WPOP482	0369	1	\$10.00
WPWX634	0369	1	\$10.00
Total:		11	\$6,410.00

	PAYMENTS	QUANTITY	AMOUNT
GRAND TOTAL:		44	\$18,770.00





### FEDERAL COMMUNICATIONS COMMISSION REMITTANCE ADVICE

Approved by OMB 3060-0589 Page 1\_ o.\_1

(I) LOCKBOX # 358835					5	PECIAL USE ONLY		
						FCC USE ONLY		
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(4) STREET ADDRESS LINE NO I								
(5) STREET ADDRESS LINE NO 2					-			
Suite 225								
(6) CITY Santa Rosa				ľ	(7) STATE	(\$) ZIP CODE		
(9) DAYTIME TELEPHONE NUMBER (include	e area code)	_	(IA) COIDITAY	200	CA	95401		
(707) - 5469185x			US	(10) COUNTRY CODE (if not in U.S.A.)				
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(14) STREET ADDRESS LINE NO 1		-						
1355 N. Dutton Avenue								
Suite 225								
(16) CITY				$\neg r$	(17) STATE	(18) ZIP CODE		
Santa Rosa					CA	95401		
(19) DAYTIME TELEPHONE NUMBER (includ	ic area code)		(20) COUNTRY	CODE	(If not in U.S.	7.)		
(707) - 5469185x	FCC REGISTRATIO	N NI	US		PN			
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#### Non-Public For Internal Use Only

Page 1 of 1 Thursday, November 13, 2003 10:46 AM

#### RAMIS ACCOUNT RECEIVABLES

#### **Check Number Query Report**

FEE Control Number

0309248835396008

Customer FRN

: 0003763273

FRN Name

· Results Radio, LLC

Check Number

. 040277000000

Receipt Amount

: \$18,770.00

Date Received: 09/23/2003

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RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc. RECEIPTS DETAIL REPORT SORTED BY TRANSACTION DATE, CD NO., FEE CONTROL NO.

PAYER NAME

FRN

CD No. CD DATE FEE CONTROL NO.

TRANSACTION
DATE

PAGE 1 4/02/2004 16:05:09

RECEIPT AMOUNT

AR012-A 4/02/2004 16:05:09

## RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc. RECEIPTS DETAIL REPORT SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 2 4/02/2004 16:05:09

CD No.	CD DATE F	EE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE 9/23/03	RECEIPT AMOUNT
560811	9/24/03 0	309248835396008	000376327	Results Radio, LLC	9/23/03	\$18,770.00
PTC: Applicant	0342 Name: Resul				FCC Code 2: CA Windsor	Tîn Number:
PTC: Applicant Address: 6	0369 Name: Resul 640 Redwood	Seq: 2 Ca QTY: ts Radio of Sonom   Drive #202	ull Sign: WPMw374 FCC 1 Applied Amt: ua, L.P.	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant:	0344 Name: Resul 640 Redwood	Seq: 3 Ca QTY: ts Radio of Sonom   Drive #202	ull Sign: KRPQ FCC 1 Applied Amt: na, L.P.	Code 1: 55967 2025.00	FCC Code 2: CA Rohnert Park	Tin Number:
PTC: Applicant Address: 6	0369 Name: Resul 640 Redwood	Seq: 4 Ca QTY: ts Radio of Sonom Drive #202	all Sign: KC25363 FCC 1 Applied Amt: Na, L.P.	Code 1: 10.00	FCC Code 2:	Tin Number:
PTC: Applicant   Address: 6	0369 Name: Resul 640 Redwood	Seq: 5 Ca QTY: ts Radio of Sonom Drive #202	lll Sign: KPM704 FCC 1 Applied Amt: ma, L.P.	Code 1: 10.00	FCC Code 2:	Tin Number:
PTC: Applicant   Address: 6	0369 Name: Resul 640 Redwood	Seq: 6 Ca QTY: ts Radio of Sonom Drive #202	all Sign: WLF477 FCC 1 Applied Amt: ma, L P.	Code 1: 10.00	FCC Code 2:	Tin Number:
PTC: Applicant   Address: 6	0369 Name: Resul 640 Redwood	Seq: 7 Ca QTY: ts Radio of Sonom Drive #202	ull Sign: WPMw368 FCC 1 Applied Amt: wa, L.P.	Code 1: 10.00	FCC Code 2:	Tin Number:
Appincant	Name: RESUL	Seq: 8 Ca QTY: TS RADIO LICENSEE N AVENUE SUITE 22	all Sign: WTS620 FCC 1 Applied Amt: ELLC 25	Code 1: 10.00	FCC Code 2:	Tin Number:
Appincant i	Name: RESUL	Seq: 9 Ca QTY: TS RADIO LICENSEI N AVENUE SUITE 22	All Sign: WLE558 FCC 1 Applied Amt: E LLC 25	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant:	0369 Name: RESUL 355 N DUTTO	Seq: 10 Ca QTY: TS RADIO LICENSEI N AVENUE SUITE 22	ull Sign: WLL512 FCC 1 Applied Amt: E LLC 25	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant	0369 Name: RESUL 355 N DUTTO	Seq: 11 Ca QTY: .TS RADIO LICENSEI N AVENUE SUITE 22	all Sign: WLP858 FCC 1 Applied Amt: ELLC 25	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant	0369 Name: RESUL 355 N DÚTTO	Seq: 12 Ca QTY: TS RADIO LICENSEI N AVENUE SUITE 22	all sign: WLP866 FCC 1 Applied Amt: ELLC 25	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant	0369 Name: RESUL 355 N DUTTO	Seq: 13 Co QTY: TS RADIO LICENSEI N AVENUE SUITE 23	1 Applied Amt:	Code 1: 10.00	FCC Code 2:	Tin Number:
Applicant	0369 Name: RESUL 355 N DUTTO	Seq: 14 Ca QTY: .TS RADIO LICENSEI N AVENUE SUITE 2	1 Applied Amt:	Code 1: 10.00	FCC Code 2:	Tin Number:
	0369 Name: RESUL	Seq: 15 Ca QTY: .TS RADIO LICENSE	1 Applied Amt:	Code 1: 10.00	FCC Code 2:	Tin Number:

Address:	1355	N	DUTTON	AVENUE	SUITE	225	

Address: 1355 N DUTTON	AVENUE SUITE	225				
PTC: 0369 Applicant Name: RESULTS Address: 1355 N DUTTON	QTY: RADIO LICENS	SEE LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: RESULTS Address: 1355 N DUTTON	QTY: RADIO LICENS	SEE LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: RESULTS Address: 1355 N DUTTON	QTY: RADIO LICENS	SEE LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: RESULTS Address: 1355 N DUTTON	QTY: RADIO LICENS	EE LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0349 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: KEWB 1 Applied Iding, LLC	FCC Code 1: Amt: 2	54487 025.00	FCC Code 2: CA Anderson	Tin Number:
PTC: 0350 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: KNCQ 1 Applied ding, LLC	FCC Code 1: Amt: 2	<b>40828</b> 650.00	FCC Code 2: CA Redding	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Son	Call Sign: WPNI772 1 Applied Oma, L.P.		10.00	FCC Code 2:	Tin Number:
PTC: 0343 Applicant Name: Results Address: 6640 Redwood D	: QTY: Radio of Red	Calî Sign: KESR 1 Applied ding, LLC	FCC Code 1: Amt: 1	82687 300.00	FCC Code 2: CA Shasta Lake City	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	OTY: Radio of Red	Call Sign: KC25365 1 Applied ding, LLC		10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: KPI287 1 Applied ding, LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: WHQ427 1 Applied ding, LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: WLG918 1 Applied ding, LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red	Call Sign: WPMX811 1 Applied ding, LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	OTY: Radio of Red	Call Sign: WPOP482 1 Applied ding, LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: Results Address: 6640 Redwood D	QTY: Radio of Red		FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
	Seq: 31 qTY: RADIO LICENS	EE LLC	FCC Code 1: Amt:	10.00	FCC Code 2:	Tin Number:
		Call Sign: WPOL478	FCC Code 1:		FCC Code 2:	Tin Number:

PTC. 0369 Applicant Name: Result Address. 6640 Redwood	QTY: 1 Applied of Sonoma, L.P Drive #202	Amt: 10 00		
PTC. 0368 Applicant Name: Result Address: 6640 Redwood	Seq: 33 Call Sign· K227AE QTY: 1 Applied : s Radio of Redding, LLC Dr.	FCC Code 1 40830 Amt: 365.00	FCC Code 2	Tin Number:
PTC: 0369 Applicant Name: Result Address: 6640 Redwood	Seq: 34 Call Sign: WPOL477 QTY: 1 Applied s Radio of Sonoma, L.P. Drive #202	FCC Code 1: Amt' 10.00	FCC Code 2:	Tin Number:
PTC: 0369 Applicant Name: RESULT Address <sup>,</sup> 1355 N DUTTON	S RADIO LICENSEE LLC	FCC Code 1: Amt: 10.00	FCC Code 2:	Tin Number:
PTC: 0368 Applicant Name: Result Address: 6640 Redwood	Seq: 36 Call Sign: KPRQ-FM1 QTY: 1 Applied s Radio of Sonoma, L.P. Drive #202		FCC Code 2:	Tin Number:
PTC: 0343 Applicant Name: RESULT Address: 1355 N DUTTON	S RADIO LICENSEE LLC	FCC Code 1: 10813 Amt: 1300.00	FCC Code 2: CA Chico	Tin Number.
PTC: 0341 Applicant Name: RESULT Address: 1355 N DUTTON			FCC Code 2. CA Colusa	Tin Number:
PTC: 0348 Applicant Name: RESULT Address: 1355 N DUTTON	S RADIO LICENSEE LLC	FCC Code 1: 52509 AMT: 1100.00	FCC Code 2: CA Corning	Tin Number:
PTC: 0316 Applicant Name: RESULT Address: 1355 N DUTTON		FCC Code 1: 55437 AMT: 1850.00	FCC Code 2: CA Los Molinos	Tin Number:
PTC: 0349 Applicant Name: RESULT Address: 1355 N DUTTON	S RADIO LICENSEE LLC	FCC Code 1: 82720 Amt: 2025.00	FCC Code 2: CA Weaverville	Tin Number:
PTC: 0348 Applicant Name: RESULT Address: 1355 N DUTTON			FCC Code 2: CA Orland	Tin Number:
PTC: 0341 Applicant Name: RESULT Address: 1355 N DUTTON	Seq: 43 Call Sign: KMJE QTY: 1 Applied : S RADIO LICENSEE LLC AVENUE SUITE 225		FCC Code 2: CA Gridley	Tin Number:
PTC: 0341 Applicant Name: RESULT Address: 1355 N DUTTON			FCC Code 2: CA Shingletown	Tin Number:

Total Applied:

Total Receipt:

\$18,770.00

\$18,770.00